

United States Court of Appeals
For the Eighth Circuit

No. 13-1860

United States of America

Plaintiff - Appellee

v.

Cody James Malone

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: September 11, 2013

Filed: September 16, 2013

[Unpublished]

Before SMITH, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Cody Malone challenges the thirty-year prison sentence that the District Court¹ imposed after Malone pleaded guilty to inducing a

¹The Honorable Jimm Larry Hendren, United States District Judge for the Western District of Arkansas.

minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. Malone’s counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the thirty-year sentence is unreasonable. Malone has filed a supplemental pro se brief asserting essentially the same argument.

Upon careful review, we conclude that the District Court did not impose an unreasonable sentence. See United States v. Gall, 552 U.S. 38, 51 (2007) (describing appellate review of sentences under the deferential abuse-of-discretion standard and noting that if a sentence is within the Guidelines range, the appellate court may apply a presumption of reasonableness); see also United States v. Werlein, 664 F.3d 1143, 1145-47 (8th Cir. 2011) (per curiam) (affirming the imposition of a thirty-year sentence when the defendant pleaded guilty to producing child pornography and admitted “that he had used online profiles to befriend . . . adolescent girls, had engaged in sexual conduct with them, and had downloaded onto his computer sexually explicit pictures of them”).

We have reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), and have found no nonfrivolous issues. Accordingly, we affirm Malone’s sentence, and we grant counsel’s motion to withdraw.